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PART I

IMPORTANT GOVERNMENT ORDERS

CHIEF SECRETARIAT

Mr. Justice Nagesvara Iyer's Report on the Allegations of Police Excesses on Political Prisoners.

READ—

Government Order No. 3420-73—C. B. 98-39-1, dated 8th January 1940, directing the appointment of Mr. Justice A. R. Nagesvara Iyer, Judge, High Court of Mysore, to hold an inquiry into the allegations made by the members of the Mysore State Congress that certain persons accused of offences in connection with the recent political movement were assaulted by police and other subordinate officers.

2. Press Communique No. 35 63—C. B., dated 12th January 1940, stating that complainants and officers complained against may, if they so desire, be represented by Counsel and requesting those who have a personal knowledge of the alleged incidents to give evidence before the Inquiry Officer.

3. Letter dated 24th February 1940, from Mr. A. R. Nagesvara Iyer, forwarding his report to Government.

ORDER No. 4805-58—C. B. 98-39-7, DATED BANGALORE, THE 19TH APRIL 1940.

Sensational allegations of ill-treatment of persons arrested in connection with "Civil Disobedience" and the violent destruction of date-trees in parts of the State in September and October 1939 and of torture in order to make such persons

apologise for their conduct were repeatedly made in speeches delivered by members of the Mysore State Congress, and comments of a similar nature also appeared occasionally in some of the local papers. The allegations being of a serious nature, Government considered it desirable to order an independent and impartial inquiry. Mr. Justice A. R. Nagesvara Iyer was appointed as Inquiry Officer and he was requested to submit his report to Government after a thorough and exhaustive inquiry. A Press Communique was also issued requesting all those who had any personal knowledge of the alleged incidents to give evidence before the Inquiry Officer.

2. Mr. Nagesvara Iyer commenced his inquiry accordingly on 17th January 1940 and held 25 sittings. He has examined 90 witnesses, including 53 non-officials, of whom 17 are persons who had taken part in the movement. Mr. Nagesvara Iyer has mentioned in his report that most of the persons who made accusations of assault and torture did not attempt to establish those charges, notwithstanding the facilities offered to them. Nevertheless, a large volume of oral and documentary evidence, both official and non-official, was adduced before the Inquiry Officer, on the basis of which he has been able to arrive at his conclusions.

3. The main allegations in respect of which the inquiry was ordered are the following:—

(1) That several persons arrested in connection with the Civil Disobedience movement were ill-treated by the Police and some subordinates of the Excise Department;

(2) That some of them were subjected to torture in order to extort apologies from them;

(3) That they were not given proper accommodation and food;

(4) That some of the arrested persons were released in forest tracts and uninhabited areas far away from their homes.

After considering all the evidence available, Mr. Justice Nagesvara Iyer has found that in no instance has an allegation of torture or ill-treatment of an arrested person, in order to induce him to apologise for his conduct or for any other purpose, been made out. Nor is it found that any such person was put to undue hardship by improper accommodation while a prisoner, or by being left in a forest tract or an uninhabited area. Mr. Justice Nagesvara Iyer has found that in one instance sufficient arrangements were not made for the feeding of a batch of persons in the Kolar District, and that there may have been a failure in that respect in regard to another batch in the Chitaldrug District, though that is not clearly established.

4. The Government accept Mr. Justice Nagesvara Iyer's findings. It is very remarkable that, in spite of the opportunity given by this inquiry, not one of the many grave allegations of torture or ill-treatment has been made out. In a great majority of instances, those who made the allegations have refused to give or produce evidence in support of them, though invited to do so. The unfairness of making such allegations against public officers, but refusing to support or withdraw them, will be condemned by all right-thinking people.

Government desire to place on record their appreciation of the care and trouble taken by Mr. Justice Nagesvara Iyer in conducting the inquiry.

B. T. KESAVIENGAR,
Chief Secretary to Government.

GENERAL SECRETARIAT

Rates for the Retail Sale of Teak Timber in all the Minor Depots in the Mysore Division.

READ—

Government Order No. A. F. 4348-9—Ft. 167-39-2, dated 24th February 1940, sanctioning enhanced rates for the retail sale of teak timber in all the minor depots in the Mysore Division.

2. Letter No. A1. 36-473—33-34, dated 9th April 1940, from the Chief Conservator of Forests stating that the particulars furnished in the Government Order, read above, are not complete in certain cases and furnishing necessary details.